

**Read,
Write,
Distribute
Voice of
Revolution**

Workers of All Countries, UNITE!
VOICE OF REVOLUTION

Publication of the U.S. Marxist-Leninist Organization

September 9, 2016

USMLO 3942 N. Central Ave, Chicago, IL 60634



usmlo.org



Strengthen Struggle for Rights :1-8



Stand with Standing Rock : 9-18



Defend Refugee Rights : 19-24

PRESIDENTIAL ELECTIONS

Strengthen the Struggle for Rights and an Anti-War Government

The presidential elections continue to reveal a ruling class with no solutions to key problems, especially that of war and peace, and voters broadly angry with an electoral set-up that produces two candidates,

Clinton and Trump, that the majority do not like or want as president. At an NBC Commander-in-Chief forum, the general issues of illegal U.S. aggression, drone warfare and

Strengthen Struggle for Rights • 3

PROTECTING WATER AND SACRED BURIAL GROUNDS

Stand with Standing Rock

Standing Rock Sioux Tribal members, joined by 280 other tribes and farmers and various other organizations are standing firm at their Sacred Stones and Red Warrior Camps, demanding that their treaty rights be respected and an end to construction of the Dakota Access

Pipeline (DAPL). The camps along the banks of Lake Oahe in North Dakota, have been steadily growing since April and now numbers more than 6,000 people. Demonstrations of support are also being organized in Georgia, New York,

Stand with Standing Rock • 9

HUNGER STRIKE IN PENNSYLVANIA

Defend Rights of Refugee Mothers and Children

Twenty-two refugee mothers are on hunger strike at the Berks County Residential Center in Pennsylvania, demanding their freedom and protesting indefinite detention and the traumatic effects of confinement on their children.

The women are guilty of no crime and are awaiting decisions on their civil cases for asylum. Yet they have been detained for more than a year in prison-like conditions. The hunger strike began in August

Defend Rights of Refugees • 19

WE ARE ONE HUMANITY FIGHTING FOR OUR RIGHTS

September edition of *Voice of Revolution*

Editorials & Statements

- *Strengthen the Struggle for Rights and an Anti-War Government* 1
- *Stand with Standing Rock*..... 1
- *Defend Rights of Refugee Mothers and Children* 1

Elections 2016: Strengthen the Struggle for Rights

- *Elections and the Danger of a Hot Civil War* 6
- *NBC's Military Forum Was a Master Class*
On How Not to Hold Candidates Accountable 8

Defend the Right to Be of Native Nations

- *Take the Pledge to Resist the Dakota Access Pipeline*..... 9
- *Excerpts from Standing Rock Sioux Tribe Resolution*
Opposing Dakota Access Pipeline 10
- *Background on Standing Rock Struggle*..... 10
- *Government Supporting Construction of Dakota Access Pipeline*
Despite Violations of Federal Law 11
- *Native American Youth Run 2,000 Miles to Washington DC*
to Protest Dakota Access Pipeline 11
- *The Vicious Dogs of Manifest Destiny Resurface in North Dakota*..... 12
- *Erased By False Victory: Obama Has Not Stopped DAPL*..... 13
- *A State of Emergency for Civil Rights*..... 15
- *Some of the Legal Issues Involving the Dakota Access Pipeline* 16
- *Dakota Access Pipeline May Fuel Oil Exports* 18

Defend Rights of Refugees

- *Open Letter to US Department of Homeland Security Secretary*
Jeh Johnson from Mothers on Hunger Strike..... 20
- *Mothers at U.S. Detention Center on Hunger Strike*
to Protest Year in Custody..... 20
- *Court Rules Refugee Mothers Cannot Sue for Release*..... 21
- *Court Orders Release of Photos and Testimony Exposing*
Inhumane Conditions in Arizona Border Patrol Detention Facilities 22
- *Migrant Mother, Son Sue U.S. Over Treatment in Detention*..... 23
- *The Problem with the Department of Justice's Decision*
to Stop Using Private Prisons 24

Send reports, letters and photos. Read, distribute and write for Voice of Revolution. Bulk rates available.

Publication of the U.S. Marxist-Leninist Organization
www.usmlo.org • office@usmlo.org • 716-602-8077
3942 N. Central Ave, Chicago, IL 60634

I • Strengthen the Struggle for Rights

torture — and ending them so as to contribute to peace — were not addressed. Instead the focus was on the past, like Clinton’s emails and Trump’s regrets. Combined with the media coverage of this or that comment and polls constantly changing as to who is ahead where, none of the substantial issues, and solutions for them, are addressed. This will likely be the case in the upcoming debate September 26 at Hofstra University in New York City. The aim of the campaign is not to inform the public and seriously discuss problems, but to further divert and divide people.

The campaign is also showing the deepening conflicts among the rulers and their inability to find a way out of their crises. They hide their failures behind the slogan of *Make America Great*, again diverting from great for whom — themselves, the very, very few — and for what purpose — that of world empire.

Clinton represents those striving to complete arrangements where all powers are concentrated in the presidency and power, at home and abroad, is retained through police powers. Government, with social responsibility to the people, or at least the pretense of it, is effectively eliminated, while police powers and use of force remain. Trump also strives for empire building. He presents war as negotiation, with no political aim and where the main objective is to smash everything, as he has indicated in his “plans” to eliminate ISIS “everywhere.” Nowhere in the campaign is discussion on the aim of the people to end U.S. wars and bring the troops home so as to contribute to peace worldwide. This is a direction being demanded and one the elections are serving to block.

Nowhere is the institutional racism of the U.S. state — expressed in current police killings and attacks on Native Americans, Puerto Ricans, in mass incarceration, inequality in jobs and education and more — on the agenda for solution. These are the problems, along with poverty and the environment, that demand answers. In a situation where the large majority think the country is headed in the wrong direction and do not think the elections will change that, it is worth examining more generally the role of the presidential elections and their impact on the movements against war and for rights.

At a recent seminar on the international situation in Ottawa, Canada, organized by the Communist Party of Canada (Marxist-Leninist), Kathleen Chandler, of the U.S. Marxist-Leninist Organization (USMLO) analyzed some aspects of the campaign.

“The presidential elections in the U.S. have two main aims,” she said. “One is to divert and smash the movements of the people against war and for rights, so as to keep the people out of power. A second is to resolve conflicts among the rulers so as to preserve the union and prevent a hot civil war, including conflicts between the presidency and military and other contending authorities.”

On this latter issue, conflicts continue to intensify, as various military generals openly back one or the other candidate. Trump, at the forum, spoke of 88 generals and admirals he says are backing him. This raises the problem of where their loyalties will lie after the election, if he loses. The same holds true for those military and intelligence forces backing Clinton.

In terms of how the elections are used to attack the anti-war



movement and those fighting for rights, Kathleen said, “This was done mainly using both the Bernie Sanders campaign and that of Trump. The entire presidential campaign as a whole — despite the failure of U.S.-style democracy at home and abroad, despite the massive amounts, estimated at \$15 billion now for all the campaigns, despite a billionaire able to run simply because he is a billionaire, despite exposure of the undemocratic character of the whole process — pushed the illusion that change can be brought about through the elections.

“Sanders, from the beginning, had the role of activating the youth and attracting those from the anti-war movement and the struggle for rights into the presidential campaign. This included various demands around lowering student debt, providing free education through university, while also speaking generally about opposing the “billionaire class” and having a government that “serves all of us, not just the 1%.” Though he, like Trump and Clinton generally remained silent on issues of war and peace, he sought to divert the anti-war forces from their fight against war and into backing him as a source for change.

“Sanders attempted to play on the growing sense among the people that the existing set-up is dysfunctional and not legitimate and to promote instead what he termed a “political revolution.” He presented himself as someone against class privilege, while also putting forward that there can be a “government for all of us,” that deals with inequality, poverty, etc. In this manner he appears as a force for change while in reality drawing people into the existing set-up that necessarily upholds class privilege and class rule by the monopoly owners. As a reflection of this and as expected, he endorsed Clinton despite broad opposition by his supporters, including at the convention, both inside and outside. Many youth

and activists demonstrated with “Never Clinton” signs and are refusing to support her.

“To in part contend with such opposition, like Obama before him who formed an organization called “Organizing for Action” based on his campaigns and which exists as a force to follow him as a “leader,” Sanders is launching what he calls “Our Revolution,” in an effort to also maintain an organized force for his agenda. Both are striving to especially mobilize youth into these organizations.

“In a letter to supporters shortly after the convention, Sanders put forward his basic plan:

‘On the very first day of our campaign, I wrote to my supporters and said, “This campaign is not about Bernie Sanders. It’s about a grassroots movement of Americans standing up and saying: “Enough is enough.” This country and our government belong to all of us, not just a handful of billionaires.’

‘That is as true today as it was then. That is why Our Revolution will focus on three distinct areas of work:

‘Revitalizing American democracy by bringing millions of working people and young people into the political system.

‘Empowering the next generation of progressive leaders by inspiring, recruiting and supporting progressive candidates across the entire spectrum of government — from school board to the U.S. Senate.

‘Doing what the corporate media does not do: elevating political consciousness by educating the public about the most pressing issues confronting our nation and the bold solutions needed to address them.

‘Together we can revitalize our democracy, empower new progressive leaders, and educate the public about the critical issues facing our country.’

“What is evident here are the new arrangements of the rulers, where the presidency is supreme and Congress and the political parties are dysfunctional. There is an effort to further eliminate political parties and legitimize individuals running for the presidency and a “public life” centered on supporting the presidency. Sanders is organizing to keep people in a system that is actually eliminating politics and depoliticizing the people, not transforming politics in a manner that favors the people. U.S.-style democracy cannot be revitalized as it never served the interests of the people. A democracy of our own making that empowers the people and a

public life that is human-centered, where public right is recognized and upheld, is the order of the day. Sanders specifically diverted from this issue of who decides and people’s empowerment as the way forward.

Speaking to how to contend with these attacks, Kathleen spoke to how USMLO intervened at both conventions to bring the issue of war and the fight for an anti-war government to the fore. “We promoted the necessity of opposing the U.S. imperialist striving for world domination and war preparations abroad and escalation of a police state at home. This included our banner present at many events demanding *Unite and Fight for an Anti-War Government* and slogans such as *Killer Drones, Killer Cops = Government Genocide* and *Defend Rights Abroad and at Home*. The tremendous pressures and diversions of the campaigns meant there was an absence of more anti-war content in the demonstrations, compared to the past — and in a situation where U.S. wars and war preparations are escalating. At the same time through our broad discussions and distribution of *Voice of Revolution*, it was evident that people are conscious of the silence imposed about war and peace and the need to counter it. Many stopped to discuss and take pictures of the banner, for example.” Continuing efforts to counter these pressures and advance the fight for an anti-war government and people’s empowerment are critical during the rest of the elections and beyond.

Trump Campaign

Addressing the Trump campaign, Kathleen brought out that it was also used to divert and disinform those fighting for rights, particularly among the immigrant rights forces and those fighting against government racism and police killings. The media, Sanders, Clinton, Obama have all made a big effort to paint Trump as far more dangerous and racist and focus attention on him as unfit to be president and continue to do so. The media promoted every racist comment and claim against immigrants and Muslims made by Trump. This was in part an effort to divide the people and promote American chauvinism, something supported by all the rulers. Clinton, at the convention, promoted a Muslim family whose son was in the military and killed in Iraq, who Trump then attacked. In this manner, support for the military and Muslims who serve is widely promoted, while the broad opposition to U.S. wars among Muslims and the peoples in general, abroad and at home, is silenced.

In addition, every effort was and is being made to divert the immigrant rights movement from its rejection of Obama as Deporter-in-Chief — deporting more than two million, more than any other administration — and the Democrats generally as those who have conducted massive raids, detention of families for long periods in what are basically concentration camps, and continued deportations. Nothing is said about the hunger strike by women refugees, opposing their indefinite detention. Instead, Trump and defeating Trump by voting for Clinton is to be the main pre-occupation and the movements for rights contained and diverted.

Kathleen emphasized that what Trump has proposed in words is actually already being done. Syrians already face special vetting and UN recognized refugees commonly wait two years for



FIGHT FOR AN ANTI-WAR GOVERNMENT

approval and then are brought in on a limited basis. Muslims have long been a target of the state, including spying on mosques, targeting Muslim student organizations, FBI stings and trumped up terrorism charges and the repeated branding of Muslims in general as terrorists. Clinton was a major force behind the invasion of Libya, plans to invade Syria and possibly Iran. She supports Obama's drone warfare and billions in U.S. weaponry for the bombing of Palestine, Yemen, Pakistan and more. She is closely tied to the military and is the war president the rulers are rallying around at this time. Yet she is presented as the liberal and Trump as the "most dangerous" fascist. The campaigns have been designed to undermine the resistance of the people and their anti-war, pro-social demands and replace them with support for Clinton.

Similarly, the fight against police killings and government impunity is also supposed to be diverted into targeting Trump. The various battles in Ferguson, Cleveland, Baltimore, Chicago, Baton Rouge and elsewhere, which had increasingly been directed against the racist U.S. state and demanding accountability are now being pressured into a more reactive posture, responding to Trump and his various racist comments. There is an effort, including sending paid non-governmental organization (NGO) organizers into the movement, to reconcile with the police, promote "community policing," civilian advisory boards of various types, etc. That is, the movement is to capitulate to the police and leave aside the demands against the racist U.S. state and its impunity, abroad and at home.

Connected with this were the decisions at both conventions, in Cleveland for the Republicans and Philadelphia for the Democrats, for the police to have a more restrained role. This included no use of tear gas or pepper spray and no mass arrests, as has been common at previous conventions and many other demonstrations. In general police were not in their combat and riot squad uniforms with vests and batons and automatic weapons, but rather in their regular dress. In some cases, they were not obviously present in large numbers.

It is important to note that both Cleveland and Philadelphia even more so are notorious for their racist and brutal police forces. Philadelphia is where they bombed the African American MOVE collective, killing 11 including children and unleashing fires that basically obliterated six city blocks back in 1985. They are cities where police repression is expected. Yet for these conventions this largely did not occur.

At the same time, what did take place was the arbitrariness of police agencies. In Cleveland, a long list of things demonstrators could not carry was promoted. This included backpacks, lengths of string more than six feet long, tennis balls, and wooden, metal or plastic poles of any kind. As well, gas masks or any other item to "protect from chemical irritants," as the list stated, were also not permitted. However, for the most part, none of this was actually enforced. It was just used to frighten people and make conditions for demonstrators more difficult. The same is true of the promotion of Ohio as an open carry state for guns, meaning if you have a permit you can openly carry guns on the street and in public areas. This mainly served to frighten local people and prevent them from being present where demonstrations occurred.



In Philadelphia, they arbitrarily decided that "refusal to disburse" and "disorderly conduct" would not be considered crimes and instead people would just be given tickets. In general, police did not even attempt to disburse the demonstrations. Instead, in both cities, the actions were used to test new training by the federal Department of Homeland Security, of what are called "Emergency Response Teams" or ERTs for local, county and state police. These teams are specifically trained to control demonstrations and conduct mass arrests. So they, along with other police, were used for that purpose, using bike brigades and fencing and huge cement blocks to control and direct the various actions.

Additionally, while police in public were more restrained, both conventions included significant military agencies, including NorthCom, military command for all of North America and NORAD, the missile defense for North America, as well as the Pentagon, DHS, FBI, ICE, Border Patrol, Secret Service and about 50 agencies total. Thus just as is occurring with the massive U.S. war games, where the U.S. is striving to gain greater command and control over foreign militaries, the military is also doing the same internally, using events like these conventions. This is consistent with the current direction, where U.S. rulers have no solutions to social problems and all that remains of the public authority is police powers.

Kathleen concluded by emphasizing the need to intervene in struggles, keeping the racist U.S. state as the target. This includes connecting the criminal killer drones abroad and police killings at home as government genocide and denouncing the impunity of the government. What is needed is an anti-war government and a political process that empowers the people and their anti-war, pro-social agenda. This includes fighting to *Bring All Troops Home Now!* and *Defending the Rights of All, Abroad and at Home* as part of blocking U.S. empire and efforts to smash the movements of the people.

Elections and the Danger of a Hot Civil War

At the recent “Commander-in-Chief” forum, Donald Trump went out of his way to say he had secured the support of 88 generals and admirals. Clinton also often comments on the support she has in the military and intelligence agencies. This public display of contention within the military and between the military and presidency is indicative of the difficulties the rulers face in preserving the union and preventing a hot civil war. The old arrangements, where Congress and political parties functioned and served to help resolve conflicts no longer exist. The presidency, and its police powers, is increasingly the sole source of power. It is in part for this reason that there is so much emphasis on the president as Commander-in-Chief and not as a civilian with social responsibility to the people.



Given this emphasis on the military, the rulers are also having difficulty using the elections to maintain the legitimacy of government. In voting, the people are supposed to authorize the government to govern. Instead, the campaigns have been revealing that the people do not consider the existing government legitimate. They do not support Congress and see it as dysfunctional, there is disgust with the negative campaigning and billions being spent, and a general view that the system is rigged against the people, something spoken to by Obama and Clinton and used as a main part of the Trump and Sanders campaigns. Objectively, when governing is no longer based on rule of law, as is currently the case with the president continually usurping power and acting with impunity in a lawless and criminal manner, it cannot be legitimated. Police powers do not serve to legitimate governance and that is what now remains of the public authority.

The old arrangements of two parties of the rich contending and colluding no longer exist. This is especially evident in this campaign where the destruction of both parties can be seen. Many Republicans, including the Bush family, have openly come out against Trump. Seventy leading Republicans, including top functionaries, have called on the Republican National Committee to stop funding Trump and instead fund those further down the ticket, in the House and Senate. And 50 top “national security” people have issued a letter opposing Trump while some also endorsed Clinton. This is in addition to a previous one signed by 100 “national security” people.

The Democrats also are splintering, as evident in the continued rejection of Clinton by many Sanders supporters and opposition to Clinton seeking and securing endorsements from neo-

conservatives. These endorsements include a number of foreign policy experts among the neo-conservatives, such as James Kirchick, Bill Kristol and Robert Kagan, all of the Foreign Policy Initiative and Max Boot, a self-described “American imperialist” who said Clinton was “a centrist Democrat who is more hawkish than President Obama.”

Support for Clinton as a “more hawkish centrist” comes not only from forces like Boot, but numerous other Bush forces, like Sally Bradshaw, Jeb Bush’s top adviser, John Negroponte, director of national intelligence and deputy secretary of state under Bush, Richard Armitage, deputy secretary of state and adviser to Ronald Reagan and George H.W. Bush, Brent Scowcroft, chairman of the President’s Intelligence Advisory Board and adviser to three previous Republican presidents.

This support is indicative of the fact that the Clinton and Bush families have long contended to represent the same pro-war militarist faction among the rulers, and Clinton won the race this time around. It also confirms that the new arrangements involve not political parties, but individuals selected for the presidency and a “public life” centered on the presidency and, if the rulers succeed, eliminating politics and the political movements of the people for rights. This makes stepping up the building of a political movement capable of achieving an anti-war government and a new direction for political affairs all the more urgent.

Another problem for the rulers and one more directly contributing to a hot civil war scenario, is that the new arrangements have many contending authorities, all vying for the police powers concentrated in the presidency. These vying factions among the rulers are willing to use these authorities, such as that of the military, against the presidency. There are also possibilities for the regional break up of the country, with forces in both Texas and California, for example, calling to secede and form their own independent countries.

The concern of open conflict within the military and other police agencies and between them and the presidency has been sharply evident in this election. General Hayden, George W. Bush’s NSA and CIA chief publicly stated that the military would not follow orders from Trump. At each convention retired military generals spoke. Retired Army Lt. Gen. Michael Flynn backed Trump while retired Marine General John Allen insisted Hillary Clinton is the best leader. In an interview explaining why he spoke out Allen specifically said, referring to comments by Trump that the military cannot win, “I derided these comments

FIGHT FOR AN ANTI-WAR GOVERNMENT

that put us on a potential track for a civil-military crisis, the likes of which we have never seen in this country.” Retired Army General Martin Dempsey, former chairman of the Joint Chiefs of Staff, wrote a letter published in *The Washington Post* after the conventions, saying it is unacceptable for his fellow retired generals to get involved in a presidential election.

“As generals, they have an obligation to uphold our apolitical traditions,” Dempsey wrote. “It was a mistake for them to participate as they did. It was a mistake for our presidential candidates to ask them to do so.” He added, “The military is not a political prize.”

These public comments reflect a growing concern that the military will act against the president or not support commands by the president as various generals support other individual leaders. This is taking place in conditions where the various authorities are vying for more power, including the Army, Navy and CIA. All have armed forces to make use of in support of private interests, like the military and energy monopolies. It is also occurring, as the forum indicated, in the context of less and less reference to the president as a civilian leader and more references to the president as Commander-in-Chief. The significance is that in conditions of war for empire and differences among the factions as to how to achieve world empire, these conflicts can give rise to open violent conflicts among the rulers, or as General Allen put it, “a civil-military crisis, the likes of which we have never seen in this country.”

At present, given the endorsements and financial backing for Clinton, the rulers have rallied around her as a war president. This has been accompanied in the media by continuing efforts to discredit Trump, call him mentally ill, unfit, etc.

There is also an attempt to further undermine the anti-war movement and fight for rights under the banner *Make America Great*. Trump says make it great again, while Clinton says it is already great and she will make it greater. This content was repeated in various ways at both conventions and since. So too is the notion that the U.S. is exceptional and the only one that can lead the world — this in a situation where U.S.-style democracy is in tatters and is being rejected abroad and at home. The whole electoral process is being exposed as undemocratic yet it is supposedly the source of change.

The *Make America Great* content is an effort to whip up U.S. chauvinism so as to disinform the anti-war movement and fight for rights. It is being promoted in a situation where Native Americans, who have long contended with U.S. genocide, are demanding their rights. Where African Americans are being gunned down in the streets by police and people are so angered they are rightly refusing to stand for the national anthem, as members of sports teams from the NFL to Little League are doing. The *Make America Great* is to counter this growing consciousness that so long as the monopoly rulers remain in power, genocide, state racism, inequality and government



Members of the Indiana Fever, Women's National Basketball Association, kneel during playing of national anthem. They, like many others, from professional leagues to Little League are protesting police killings and government impunity and demanding justice and equality for all.

impunity will characterize the U.S.

There is also an effort to eliminate the consciousness that the peoples of Iraq and Afghanistan and Palestine and Yemen matter, that people-to-people relations of mutual respect and benefit matter and must be nurtured, as has been occurring by anti-war activists. This spirit of one humanity, one struggle for our rights, with people of the U.S. an integral part, is to be smashed — replaced with the notion that only the U.S. and its striving for empire matters and all must submit or face war and repression.

It is essential to escalate work to strengthen the political movement of the people for rights and an anti-war government. This can be done on the basis of opposing U.S. imperialist wars and aggression and all its striving for world domination along with escalation of a police state at home. An anti-war government is an aim the people can unite and rally around, contributing to blocking U.S. plans for broader war and contributing to world peace. The fight for a new direction for political affairs that empowers the people themselves to govern and decide is an integral part of this. Let all join in organizing for the anti-war, pro-social agenda of the people and do so on a pro-active independent basis, fighting for an anti-war government and our right to govern and decide.



NBC's Military Forum Was a Master Class On How Not to Hold Candidates Accountable

Zaid Jilani and Alex Emmons, The Intercept

The “Commander in Chief forum” with Donald Trump and Hillary Clinton that NBC’s Matt Lauer moderated Wednesday night was billed as a way to interrogate the presidential candidates on substantive veterans’ and national security issues.

But from the questions chosen to the format, the event served as little more than a class on how not to hold the candidates accountable.

In the 25 minutes devoted to Clinton, nearly half was spent by Lauer grilling her about her use of a private e-mail server while Secretary of State (one veteran also asked about the issue). That left little room for questions on policies she presided over while in office.

Lauer repeatedly failed to fact-check candidates on their responses to questions. When Hillary Clinton explained her anti-ISIS plan by saying “we are not going to have ground troops in Iraq,” he failed to point out that we already do have those troops. When Donald Trump claimed to have opposed the wars in Iraq and Libya from the beginning, Lauer failed to correct him and tell the audience that wasn’t true.

The forum was co-sponsored with the veterans group the Iraq and Afghanistan Veterans of America (IAVA), and some of the strongest questions came from veterans themselves — such as one question about how war veterans can trust a candidate with hawkish tendencies to end U.S. wars (Clinton) and another about how we can de-escalate tensions with Russia (Trump).

Unfortunately, those veterans received little airtime. Despite the fact that this is the only general election presidential forum so far focused exclusively on veterans’ and national security issues, NBC limited it to one hour. In that hour, a total of three minutes was spent taking questions from ten questioners (four veterans asking questions of Clinton and six for Trump). The veterans were not allowed to ask follow-up questions or to offer any audible evaluation of the answers they elicited.

Lauer chose to ask Trump about his preparedness and past remarks, rather than question his actual plans. “I’d like you to tell our veterans and our people at home why you are prepared for the role of commander in chief,” said Lauer. Lauer would go on to further question Trump about his “preparedness,” his “temperament,” and his receptiveness to intelligence briefings.

It was left to the veterans to ask Trump about how to defeat ISIS, how to bring stability to the Middle East, how to stop veteran suicides and sexual violence in the military, and whether undocumented immigrants can serve in the armed forces. Lauer



offered no meaningful challenges to any of his answers.

Lauer could have challenged Trump on his previous proposals, like “bombing the sh-- out of ISIS,” or on how tonight’s suggestions — like “leave a certain group behind and take various sections where they have the oil” — were supposed to bring lasting peace to the Middle East. But he did not.

On Wednesday afternoon, just eight hours before the forum, Trump proposed a dramatic expansion in the size of the military, increasing the army from 475,000 active duty soldiers to 540,000 — roughly the amount deployed at the height of the Afghanistan and Iraq Wars — and adding roughly 100 ships and fighter jets to the Navy and Air Force. But Trump did not explain how he intended to pay for those hundred billion dollar proposals, or even attempt to show how they would help defeat ISIS.

Lauer failed to raise many of the most controversial national security issues in the post-9/11 world. For Lauer, the issue was whether Clinton’s emails contained information on the covert drone program, not whether the covert drone program was legal or ethical. He never pressed her about the surveillance implications of her “intelligence surge,” or what “working with experts in Silicon Valley” meant. Trump was never asked to defend his proposals to infiltrate American mosques and spy on predominantly Muslim neighborhoods. At no point was either candidate pressed for their stance on the drone war, torture, Guantánamo Bay, or mass surveillance.

I • Stand with Standing Rock

Indiana, New Mexico, California and elsewhere for September 13. All are standing to protect and ensure safe water for millions, as the pipeline crosses both the Missouri River and Lake Oahe, and for protection of sacred burial grounds. The gathering of the many tribes is the largest since Wounded Knee in 1973. Their united stand is not only as protectors of the water but also representing the right to be of all Native nations.

The determined resistance continues to garner broad support. On September 3, those peacefully gathered at the camp stood up to a vicious attack by private mercenaries, who violently attacked using dogs and pepper spray. A pregnant woman and child were among those injured. The notoriously inhumane G4S were part of the force. They are known for their horrific treatment of immigrants in U.S detention camps and Palestinians. The mercenaries were not arrested or punished.

The North Dakota Governor called out the National Guard and set up checkpoints on public highways. Armed guardsmen forced all to stop and be questioned, with many forced to detour. Arrests are also unjustly taking place, as those at the camp stand their ground and take action against bulldozers and similar efforts to proceed with construction.

All of this state organized violence indicates that government at all levels are using their police powers against the human rights of the peoples, for clean and safe water, a safe environment, and the right to be. Monopoly right is being protected while human rights are trampled using force. *Voice of Revolution* vigorously opposes the government violence and stands with Standing Rock in defending the rights of the native peoples and the rights of all.



The \$3.8 billion pipeline that spans 1,172-miles and four states is scheduled to carry 570,000 gallons a day of highly toxic and flammable fracked oil from North Dakota to Illinois. It is then expected to be sent south to Texas, in part for export. Already the energy monopolies behind DAPL have constructed parts of the pipeline, forcing many farmers to relinquish their lands. The government is using eminent domain to take farmland and turn it over to the oil monopolies so the pipeline can go through. Iowa farmers, for example are also opposing the pipeline in court and demanding an end to the seizure of their lands.

There is no necessity for the Dakota Access Pipeline or for the many others being built. The necessity is for the rights of the Standing Rock Sioux to be recognized and defended and for the rights of all, including the right to clean water and to protest, to be upheld. This is the duty of government and its failure to do so is a further indication that those in power making these decisions are not fit to govern.

Take the Pledge to Resist the Dakota Access Pipeline

Sacred Stone Camp

The Dakota Access Pipeline (DAPL), owned by Houston, Texas based corporation called Energy Transfer Partners, L.P. that created the subsidiary Dakota Access LLC. The DAPL, also known as the Bakken Pipeline, is proposed to transport 570,000 barrels of crude oil per day (which is fracked and highly volatile) from the Bakken fields of North Dakota to Patoka, Illinois. Dakota Access has failed to consult with tribes and conduct a full Environmental Impact Statement (EIS).

In early August Canadian pipeline giant Enbridge announced that, along with Marathon Petroleum, it will make a significant investment in the Bakken Pipeline System, including the controversial Dakota Access pipeline. Enbridge also noted that, "Upon successful

closing of the transaction, Enbridge and Marathon Petroleum plan to terminate their transportation services and joint venture agreements for the Sandpiper Pipeline Project."

We know that this influx of resources from Enbridge will only speed up the construction process. We know that any day now construction will begin and we will only have 48 hours notice to respond. Please fill out the form if you stand with standing stone camp and are able to risk arrest or play support roles in direct actions (see: sacredstonecamp.org). Visit our website to Learn more about DAPL and current needs of the camp.

We Will Not Allow This Pipeline to Cross Our Land, Water, and Sacred Sites.

Excerpts from Standing Rock Sioux Tribe Resolution Opposing Dakota Access Pipeline

WHEREAS, the Standing Rock Indian Reservation was established as a permanent homeland for the Hunkpapa, Yanktonai, Cuthead and Blackfoot bands of the Great Sioux Nation: and

WHEREAS, the Dakota Access Pipeline threatens public health and welfare on the Standing Rock Indian Reservation; and

WHEREAS, the Standing Rock Sioux Tribe relies on the waters of the life-giving Missouri River for our continued existence, and the Dakota Access Pipeline poses a serious risk to Mni Sose and to the very survival of our Tribe; and.

WHEREAS, the horizontal direction drilling in the construction of the pipeline would destroy valuable cultural resources of the Standing Rock Sioux Tribe; and

WHEREAS, the Dakota Access Pipeline violates Article 2 of the 1868 Fort Laramie Treaty which guarantees that the Standing Rock Sioux Tribe shall enjoy the “undisturbed use and occupation” of our permanent homeland, the Standing Rock Indian Reservation;

NOW THEREFORE BE IT RESOLVED, that the Standing Rock Sioux Tribal Council hereby strongly opposes the Dakota Access Pipeline; and

BE IT FURTHER RESOLVED, that the Standing Rock Sioux Tribal Council call upon the Army Corps of Engineers to reject the river crossing permit for the Dakota Access Pipeline...

(Resolution No. 406-15, September 2, 2015)

Background on Standing Rock Struggle

April 2016:

Stand Rock Sioux Tribal members began protesting the 1,172-mile, four state, Dakota Access Pipeline construction by setting up the Sacred Stone Camp (sacredstonecamp.org) along the banks of Lake Oahe in North Dakota. They are organizing to protect and ensure safe water for millions, as the pipeline crosses both the Missouri River and Lake Oahe. The Standing Rock Sioux Tribe has been locked in a battle to stop the Dakota Access Pipeline from impacting its cultural, water, and natural resources. The Dakota Access Pipeline (DAPL) is a 1,168-mile long crude oil pipeline that will transport nearly 570,000 barrels of oil each day from North Dakota to Illinois. The Army Corps of Engineers green-lighted several sections of the process without fully satisfying the National Historic Preservation Act, various environmental statutes, and its trust responsibility to the Standing Rock Sioux Tribe.

This is another chapter in the long history of the federal government granting the construction of potentially hazardous projects near or through tribal lands, waters, and cultural places without including the tribe. The current proposed pipeline route crosses under Lake Oahe, just a half mile up from the Standing Rock Sioux Reservation.

It is not a question of if the pipeline will leak, but when. This is evident from recent oil spills, including the release of 80,000 gallons of oil near Tioga, North Dakota in October 2013; 51,000 gallons of oil released into the Yellowstone River upstream from Glendive, Montana, resulting in the shutdown of the community water system for 6,000 residents in January 2015; as well as the release of 1,000,000 gallons of tar sands crude into Michigan’s Kalamazoo River in July 2010, and others.

August 2016:

Youth from the Standing Rock Sioux tribe run from their tribal lands in North Dakota to Washington, DC to call for a halt to

the Dakota Access Pipeline (DAPL) and respect for their treaty rights and for the water and Mother Earth.

The Standing Rock Sioux Tribe filed suit in federal district court in Washington, D.C., against the U.S. Army Corps of Engineers, which is the primary federal agency that granted permits needed for construction of the pipeline.

September 2016:

- The Sacred Stone Camp supporters grow by the thousands with 280 tribes represented. National attention grows from the broad and growing support among native peoples and many others. next two events.

- The Dakota Access Pipeline guards, including notorious G4S, known for their inhumane treatment of women and children in detention centers and Palestinian youth, unleash attack dogs on American Indian water protectors, including women and children (see page 12).

- North Dakota Governor activates the National Guard to protect the pipeline instead of our tribes, including checkpoints with armed guardsman requiring all to stop.

It was also reported that members of Red Warrior camp have been arrested and that law enforcement check points are photographing people, perhaps to make mass arrests later. Activists are urged to avoid the check points.

- September 9, Federal court denies the Standing Rock Tribe’s request for injunction. However, a joint statement from the Department of Justice, the Department of the Army, and the Department of the Interior asked for construction to voluntarily be ceased on federally controlled lands.

- The Sacred Stone Camp remains strong and united, preparing to remain through the winter. Support and actions also continue across the country, including demonstrations, gathering supplies and funds, and making the journey to the camp to lend a hand.

Government Supporting Construction of Dakota Access Pipeline Despite Violations of Federal Law

The federal government, including the Department of Justice and Army Corps of Engineers, gave the green light for construction of the Dakota Access Pipeline, from North Dakota to Illinois, despite violations of federal law and treaty rights by the energy monopolies involved. While currently there has been a temporary halt to some sections of the pipeline — as a result of the firm stand of the Standing Rock Sioux and hundreds of other tribes and organizations to protect the water and sacred burial grounds — the government has not called for ending construction of the pipeline. Below are treaty rights and federal laws being violated.

Fort Laramie Treaty of April 29, 1868

The Dakota Access Pipeline (DAPL) violates Article 2 of the 1868 Fort Laramie Treaty which guarantees that the Standing Rock Sioux Tribe shall enjoy the “undisturbed use and occupation” of our permanent homeland, the Standing Rock Indian Reservation. The U.S. Constitution states that treaties are the supreme law of the land.

Executive Order 12898 on Environmental Justice

All agencies must determine if proposed project disproportionately impacts Tribal communities or other minority communities. The DAPL was originally routed to cross the Missouri River north of Bismarck. The crossing was moved to “avoid populated areas,” so instead of crossing upriver of the state’s capital, it crosses the aquifer of the Great Sioux Reservation.

Pipeline Safety Act and Clean Water Act

DAPL has not publicly identified the Missouri River crossing as high consequence, though it provides water for more than 17 million people. The Ogallala Aquifer must also be considered a “high consequence area,” since the pipeline would cross critical drinking water and intakes for those water systems. The emergency plan must estimate the maximum possible spill (49 CFR§195.452(h)(iv)(i)). DAPL refuses to release this information to the Sioux.

National Environmental Policy Act (Nepa)

A detailed Environmental Impact Statement (EIS) must be completed for major actions that affect the environment. Also, the Army Corps of Engineers must comply with NEPA for the permit for the Missouri River crossing. The way agencies get around this is to provide a lesser study, a brief Environmental Assessment (which Dakota Access has done). A full EIS would be an interdisciplinary approach with the integrated use of natural and social sciences to determine direct and indirect effects of the project and “possible conflicts...with Indian land use plans and policies...(and) cultural resources” 40 CFR §1502.16

Executive Order 13007 on Protection of Sacred Sites

“In managing federal lands, each executive branch agency shall avoid adversely affecting the physical integrity of such sites.” There are historical ceremony sites and burial grounds in the immediate vicinity of the Missouri River crossing. The Corps must deny the DAPL permit to protect these sites in compliance with EO 13007.

Native American Youth Run 2,000 Miles to Washington DC to Protest Dakota Access Pipeline

Indian Country Today

The U.S. Army Corps of Engineers’ recent approval of the Dakota Access oil pipeline (DAPL) without a comprehensive environmental review has drawn ire from the Standing Rock Sioux and other tribes, and Native youth, to name just a few entities opposing the move.

Native youth took to the streets with their feet in response, first running 500 miles from Cannonball, North Dakota to the district office of the United States Army Corps of Engineers in Omaha, Nebraska.

But the pipeline was still approved, so the youth are now running 2,000 miles, all the way from North Dakota straight to the Army Corps’ doorstep in Washington, D.C. There, they held a rally on the steps of the U.S. Supreme Court before heading over to meet with “high-level government officials in hopes of halting the construction of the Dakota Access Pipeline,” the Oceti Sakowin Youth said in a statement. Construction has already

begun in all four states it is slated to pass through.

“We are running for our lives against the Dakota Access Pipeline because it’s right in our backyard,” said Three Legs, one of the participants, in the statement. “Now is the time for the people to hear our voices that we are here and we will stand strong.”

In a private meeting with officials, they will present a petition bearing more than 140,000 signatures and endorsed by the likes of Leonardo DiCaprio, Shailene Woodley, Ezra Miller and Bill McKibben, among other public figures, the youths said.

They will gather in front of the U.S. Supreme Court building, they said, to conduct a prayer before running to Army Corps headquarters at 10 a.m., where they will hold a rally to protest further construction of the \$3.4 billion, 1,168-mile-long pipeline.

(August 4, 2016, indiancountrytodaymedianetwork.com)

The Vicious Dogs of Manifest Destiny Resurface in North Dakota

Jacqueline Keeler, September 8, 2016

The Standing Rock Sioux Tribe is fighting to stop the Dakota Access Pipeline (DAPL) from crossing their northern border and threatening their water sources and sacred sites. Since April they have organized an encampment uniting hundreds of tribes and other supporters. On Saturday, September 3, during Labor Day weekend we received the horrific news that the oil company Energy Transfer Partners who owns the pipeline had hired private security guards that set dogs upon peaceful water protectors.

Private corporate mercenaries hired by Energy Transfer Partners sicced attack dogs upon a crowd of Native Americans and their allies, including children, who were nonviolently trying to stop the desecration of sacred burial grounds and culturally significant archaeological sites by the company constructing the Dakota Access Pipeline. Six people were bitten, including one child and a pregnant woman, while 30 were also maced by the security team.

The gathering of water protectors was estimated at 300, assembled after the pipeline construction crew abruptly moved three bulldozers to a site nearly 15 miles away — a site identified the day before by Standing Rock Sioux Tribe's historic preservation officer as containing cultural and historical important sites. Native American human remains were most likely disturbed by Dakota pipeline workers — a federal crime. The site is on private land and the Tribe had received permission from the landowner to inspect the area adjacent to the pipeline corridor. Texas-based Energy Transfer Partners, in an apparent attempt to avoid a legal challenge, may have acted preemptively to destroy the historic value of the site before a judge could rule on the evidence.

It was a brutal and vicious act.

The land, adjacent to the reservation's northern border, is within the treaty territory of the Tribe under the 1868 Treaty of Fort Laramie and the Tribe retains legal claims to historical sites there.

"They wanted to destroy the proof and evidence; the company knew those sites were there," Standing Rock Sioux Tribal chairman Dave Archambault told the Bismarck Tribune. "They don't normally work on Saturday and Sunday; we know because we've been watching them. They desecrated all the land where the landowner gave us permission to look."

In response, the Obama administration issued a statement supporting the Tribe's request for a temporary restraining order against Dakota Access Pipeline construction, noting concerns about the oil company "engaging with or antagonizing" the #NoDAPL resisters warranted a restraining order. This is the first comment of any kind on the situation given by the administration and President Barack Obama has been notably silent on this matter, despite the protest going on since April 1.

In 2014, the Obamas visited the very site of the encampment, Cannonball, North Dakota and promised the Standing Rock Sioux



Tribe he would be a president who "respects your sovereignty, and upholds treaty obligations, and who works with you in a spirit of true partnership, in mutual respect, to give our children the future that they deserve."

Many have called upon Obama to honor these promises via social media and even tribal council resolutions, and apparently the video and photos of private security dogs with peaceful protesters' blood in their mouths finally spurred the administration to some action.

And what does it mean when the state or state-backed corporate conquistadors use dogs and violence to suppress the will of the people peacefully expressed? For many, the brutality of Energy Transfer Partner's hired security forces, with law enforcement's tacit support and given favorable coverage by the mainstream media, is a sign that this pipeline is yet another example of the forced occupation of Océti Sakówin (the Great Sioux Nation) lands.

"Dakota is our name—it means allies, friends," said Faith Spotted Eagle, Ihanktonwan elder and founder of the Brave Heart Society who has been camping at the Océti Sakówin camp at Cannonball to oppose the pipeline told. "How can they use it for their pipeline? They are not being allies to us or to our Mother Earth."

The malicious use of dogs on the people, the allies, the true Dakota, simply underscores the impunity of corporate power to use other peoples' lands as they see fit with little or no regard for the well-being of people or nations.

The use of violence in the service of American domination has a bloody and well-remembered history among the Dakota/Lakota people of the Great Plains and Minnesota. In 1863, the Dakota rose up as their treaty provisions were denied and their children were starving in what is called the Minnesota Sioux Uprising. They were quickly put down. Thirty-eight Dakota men were hung

by President Lincoln in the largest mass hanging in U.S. history in Mankato, Minnesota. Four thousand fled to join their relatives among the Dakota and Lakota and Nakota bands in the Dakotas and in Canada.

And this latest assault with dogs by an oil company on Océti Sakówin and their allies takes place exactly 153 years to the day since the Whitestone Massacre, which occurred on September 3, 1863 not far from the present day protest at Cannonball, North Dakota.

In an article for Yes! Magazine, Brave Bull Allard recalls what her great-great grandmother, Mary Big Moccasin, a Santee survivor of that violent attack (Big Moccasin's father was one of the 38 hung at Mankato) remembered about that day:

“The attack came the day after the big hunt, when spirits were high. The sun was setting and everyone was sharing an evening meal when (Colonel) Sully's soldiers surrounded the camp on Whitestone Hill. In the chaos that ensued, people tied their children to their horses and dogs and fled. Mary was 9 years old. As she ran, she was shot in the hip and went down. She lay there until morning, when a soldier found her. As he loaded her into a wagon, she heard her relatives moaning and crying on the battlefield. She was taken to a prisoner of war camp.”

This history of violence begs the question, what was Manifest Destiny? What was the United States of America built on? Is it this genocide and impunity, this belief that everything here, everything belonging to the nations of people that already were here, even their very lives, are free for the taking?

I compare this to the terms my Dakota ancestors used to describe themselves. Dakota, allies/friends versus Dakota Access — which

clearly means access to everything that belongs to us, a latter-day Manifest Destiny, a latter-day expression of this genocidal impunity. And to another term, Ikce Wicasa, variously interpreted as “free” and “humble people.” It may seem odd that a people known around the world by the exploits of Sitting Bull and Crazy Horse would think of themselves in those terms — indeed regard those terms as the highest terms of humanity that could be expressed. For them, to be humble was to be truly free. To be allied with each other to preserve the lives, their relationship to the each other and to the Earth was what it meant to be human.

I cannot help but compare Ikce Wicasa to the term “Pioneer” which is derived from the French term for peons, lower class folks who were considered expendable and sent ahead of the regular army as cannon fodder. And I remember the story recorded by my great-great aunt Ella Deloria, a Yankton Dakota ethnologist from elders she interviewed 100 years ago, of how the railroad once dumped white people off in North Dakota with nothing but a box to live in. They were left along railroad lines to act as a buffer between the railroad and the “Indians.” Ironically, it was our people that often had to come to their aid because they were basically left to starve by those railroad tycoons.

There was a term in our language my Lala (grandfather) once told me that meant “that which looks human but is not” and when I look at a photo taken of Energy Transfer Partner's CEO Kelcy Warren watching a #NoDAPL protest outside his Texas corporate offices on Friday smirking the day before he ordered dogs to bite Native Americans and even children and pregnant women, I can't help but wish I remembered what that word was.

Because that is what he is.

Erased By False Victory: Obama Has Not Stopped DAPL

Kelly Hayes, September 9, 2016

All Native struggles in the United States are a struggle against erasure. The poisoning of our land, the theft of our children, the state violence committed against us — we are forced to not only live in opposition to these ills, but also to live in opposition to the fact that they are often erased from public view and public discourse, outside of Indian Country. The truth of our history and our struggle does not match the myth of American exceptionalism, and thus, we are frequently boxed out of the narrative.

The struggle at Standing Rock, North Dakota, has been no exception, with Water Protectors fighting tooth and nail for visibility, ever since the Sacred Stone prayer encampment began on April 1.

For months, major news outlets have ignored what has become the largest convergence of Native peoples in more than a century [currently more than 5,000 at the encampment]. But with growing social media amplification and independent news coverage, the corporate media had finally begun to take notice. National attention was paid. Solidarity protests were announced in cities around the country. The National Guard was activated in North Dakota.

The old chant, “The whole world is watching!” seemed on the

verge of accuracy in Standing Rock.

And then came the ruling September 9, with a federal judge finding against the Standing Rock Sioux, and declaring that construction of the pipeline could legally continue. It was the ruling I expected, but it still stung. I felt the sadness, anger and disappointment that rattled many of us as we received the news. But then something happened. Headlines like, “Obama administration orders ND pipeline construction to stop” and “The Obama Administration Steps In to Block the Dakota Access Pipeline” began to fill my newsfeed, with comments like, “Thank God for Obama!” attached to them.

Clearly, a major plot twist has occurred. But it is not the one that is being sold.

To understand that this is not the victory it is being billed as, you have to read the fine print in the presently lauded joint statement from the Department of Justice, the Department of the Army and the Department of the Interior:

“The Army will not authorize constructing the Dakota Access pipeline on Corps land bordering or under Lake Oahe until it can determine whether it will need to reconsider any of its previous

PROTECTING WATER AND SACRED BURIAL GROUNDS

decisions regarding the Lake Oahe site under the *National Environmental Policy Act (NEPA)* or other federal laws.”

Note what is actually being said here, what is being promised and what is not.

What is actually being guaranteed? Further consideration.

But this next section is a little more promising, right?

“Therefore, construction of the pipeline on Army Corps land bordering or under Lake Oahe will not go forward at this time. The Army will move expeditiously to make this determination, as everyone involved — including the pipeline company and its workers — deserves a clear and timely resolution. In the interim, we request that the pipeline company voluntarily pause all construction activity within 20 miles east or west of Lake Oahu.”

So things are on hold at Lake Oahe until the powers that be think it through some more — with no assurances about how they will feel when it is all said and done. The rest is a voluntary ask being extended to the company.

Let us reflect on that for a moment: A company that recently unleashed dogs on Water Protectors, including families, who stepped onto a sacred site to prevent its destruction, is being asked to voluntarily do the right thing.

But the thing is, they probably will. *For a moment*. Because what is being asked of them is not an actual reroute. Right now, all that is being asked is that they play their part in a short-term political performance aimed at letting the air out of a movement’s tires.

Presidential contender Hillary Clinton was beginning to take a bit of heat for her silence on the Standing Rock struggle. Between Jill Stein’s participation in a lockdown action, broadening social media support for the cause, and the beginnings of substantial media coverage, #NoDAPL was on the verge of being a real thorn in Clinton’s side. And with more than 5,000 Natives gathered in an unprecedented act of collective resistance, an unpredictable and possibly transformational force was menacing a whole lot of powerful agendas.

So what did the federal government do? Probably the smartest thing they could have: They gave us the illusion of victory.

As someone who organizes against state violence, I know the patterns of pacification in times of unrest all too well. When a Black or Brown person is murdered by the police, typically without consequence, and public outrage ensues, one of the pacifications we are offered is that the Department of Justice (DoJ) will investigate the shooting. It is a de-escalation tactic on the part of the state. It helps transition away from moments when rage and despair collide, creating a cooling off period for the public. “Justice” is still possible, we are told. We are asked to be patient as this very serious matter is investigated at the highest level of government, and given all due consideration.

The reality, of course, is that the vast majority of investigations taken up by the DoJ Civil Rights Division end in dismissal — a batting average that is pretty much inverse to that of other federal investigations. [85.3 percent of civil rights investigations ended in dismissal in 2010, while 84.1 percent of all federal investigations either led to a trial or were brought before a magistrate judge — *VOR* Ed. Note.] But by the time a case gets tossed at the federal level, it



is probably not front page news anymore, and any accumulated organizing momentum behind the issue may have been lost — because to many people, the mere announcement of a federal investigation means that the system is working. Someone is looking into this, they are assured. Something is being done. Important people have expressed that they care, and thus there is hope.

So how is this similar to what is happening with Standing Rock?

It is the same old con game.

Federal authorities are going to give a very serious matter very serious consideration, and then... we will see.

The formula could not be clearer.

As the joint statement says, “this case has highlighted the need for a serious discussion on whether there should be nationwide reform with respect to considering tribes’ views on these types of infrastructure projects.”

Discussion.

How many times have marginalized people been offered further discussion when what they needed was substantive action? And how often has the mere promise of conversation born fruit for those in a state of protest?

But this is a great moment for the Democrats. A political landmine has been swept out of Hillary Clinton’s path and Obama will be celebrated as having “stopped a pipeline” when the project has, at best, been paused. After all, an actual pause in construction, outside of the Lake Oahe area, assumes the cooperation of a relentless, violent corporation, that has already proven it is willing to let dogs loose on children to keep its project on track.

But Dakota Access, LLC probably will turn off its machines — for a (very) little while. They will wait for the media traction that has been gained to dissipate, and for the #NoDAPL hashtag to get quieter. They will wait until the political moment is less fraught, and their opposition is less amped. And then they will get back to work — if we allow it.

Here is the real story: This fight has neither been won nor lost. Our people are rising and they are strong. But the illusion of victory is a dangerous thing. Some embrace it because they do not know better, some because they need to. We all want happy endings. I long for them, and I get tired waiting. But if you raise a glass to Obama and declare this battle won, you are erasing a battle that is not over yet.

NORTH DAKOTA'S GOVERNOR CALLS OUT NATIONAL GUARD

A State of Emergency for Civil Rights

Jennifer Cook, American Civil Liberties Union of North Dakota

In North Dakota, people are protesting an oil pipeline. And the people who are protesting the oil pipeline are mostly Native Americans. The 280 or so tribes that are protesting the construction of the \$3.7 billion Dakota Access Pipeline are uniting together for the first time in many years. Several thousand indigenous people from across the county have journeyed to a little-known pasture on the prairie just miles from the Standing Rock Sioux Tribe's reservation — where the oil pipeline is slated to cross the Missouri River — to protect the land the tribes consider sacred and culturally significant as well as the water necessary for life. The protectors, as the protesters call themselves, are defending the land and water using little more than the right to assemble and speak freely, a long-standing protection afforded by the U.S. Constitution.

Unfortunately, there is another kind of history happening here. It is a history that is all too familiar to indigenous people; it is the shameful cycle of government-sanctioned disregard for the human and civil rights of Native Americans. In response to the pipeline protests, North Dakota's government suppressed free speech and militarized its policing by declaring a state of emergency and calling out the National Guard.

The origins of the state's overreaction can be traced to a lawsuit filed by the oil pipeline company — Dakota Access — against protesters in federal court to stop demonstrations near its construction sites. To sway the court's decision and likely public opinion, too, the pipeline company claimed it feared violence from protesters was imminent because of a few vague threats posted on social media and an anonymous email. Protesters have been arrested for pushing through police lines to stop construction equipment, but incidents like these in no way support declaring a state of emergency and militarizing the state's response.

Instead, the pipeline company has conflated protesters' acts of civil disobedience, like trespass onto private land to stand in the path of oncoming bulldozers, with violence and looming chaos. It seems state officials have done the same after reports of the company's claims surfaced in the media.

Governor, your citizens' civil rights are in danger, and you are complicit.

And by declaring a

state of emergency in response to peaceful protests, Governor Jack Dalrymple allowed law enforcement to erect concrete barricades on a major public highway 30 miles north of the protest sites and encampments. Travelers approaching the barricade encountered powerful floodlights for nighttime use and four to six police officers. People heading south toward the protest and the reservation were stopped by police and told they could not drive toward the protest on the highway. A detour on a separate highway took travelers south toward the reservation and the protest area, adding unnecessary distance and time to the trip.

A roadblock 30 miles from the site of a protest is not the least restrictive means to protect the public or the protesters. It's hard not to see the roadblock for what it really is: an attack on free speech and freedom of association. It is also a purposeful and exacting punishment meted out to the Standing Rock Sioux Tribe and its members who live on the reservation near the protest for encouraging peaceful protest of the pipeline.

An employee of the tribe aptly described the roadblock's impact on the tribe's members as financially harmful. The road closure added significant distance and travel time to and from the rural reservation to Bismarck, the nearest large city. Time and distance increase fuel cost and that makes a world of difference to many tribal members who live in poverty. The average income of a resident on Standing Rock's reservation is \$4,421 a year.

National Guard Establish Checkpoints

Last Thursday, the roadblock was converted into an "informational" checkpoint. We hoped this would begin to ease the tension between the state and the protesters, but Governor Dalrymple immediately activated the National Guard to enforce the checkpoint so that people now face armed soldiers when



they are stopped and required to report their destination before traveling further down the highway. The state's declaration of emergency, the highway roadblock and checkpoint, and National Guard call-up sets a tone of intimidation and signals the state's intent to silence and punish free speech.

The governor expected violent protesters and protests, but his expectations of violence have been met instead with peaceful civil disobedience. Overall, there is little to no evidence of violence on the part of protesters to justify the state's response, but there is significant evidence of violence instigated by the

pipeline company. Video footage captured by *Democracy Now* shows pipeline private security forces used dogs and pepper spray to attack protesters who blocked bulldozers.

And yet the National Guard still patrols a highway checkpoint; the police appear at peaceful protests in riot gear; and the governor continues to ignore the shameful violence inflicted on protesters by pipeline security.

Yes, it is a state of emergency in North Dakota, Governor Dalrymple. But it is not public safety that is at risk. Governor, your citizens' civil rights are in danger, and you are complicit.

Some of the Legal Issues Involving the Dakota Access Pipeline

Naomi Cohen, Interviewing Robin Martinez, Lawyer for the Camps

What is the status of the land where the camps are located?

The Sacred Stone Camp, the main traditional protest site created by the Standing Rock Sioux Tribe in April, is on land that used to belong to the tribe but was "in effect stolen" through eminent domain by the Army Corps of Engineers for flood control, said Martinez. The Army Corps of Engineers began building the Oahe Dam in 1948, flooding over 160,000 acres to create the Oahe Lake, where protests are clustered. A quarter of tribe members had to relocate.

Martinez said that a tribe member once told him that, "What flood control really means is that the whites control the water and the Indians get flooded."

Another camp, the Red Warrior Camp, is on private land in order to be closer to the construction sites, where nonviolent direct actions is organized. Work on private land was not affected by Friday's joint announcement to halt building on federal land.

Is the state of North Dakota acting illegally?

The state of emergency to access resources from the Department of Homeland Security was made on the basis that organizers are violent and fighting with pipe bombs and hatchets, which they deny.

The protesters can't challenge the governor's move, but they are highlighting the unjust use of roadblocks to reroute supporters trying to enter the camps, an issue which the Standing Rock Sioux Tribe brought to the United Nations. Reports have also come out of law enforcement taking pictures of passersby and using facial recognition which, Martinez said, will likely be used for an upcoming mass arrest. The Morton County Sheriff justified the roadblocks as a safety precaution.

Some have suspected that officials have also cut off telecommunications, but Martinez said that poor reception is likely because there is one phone tower in the area serving thousands of cell phones. He added, though, that he would not be surprised if authorities did try to cut power and "would be shocked" if they weren't already intercepting all communications from the tower, which is owned by Verizon.



Anishinabek Nation members sang as they entered the Standing Rock camp. The group traveled from Mount Pleasant, Michigan.

Why did the Standing Rock Sioux Tribe lose its case to stop construction?

The tribe's case stood on two points.

First, they found the Army Corps of Engineers in violation of the National Historic Preservation Act, which requires the Corps to solicit and gain the consent of the tribe. The Standing Rock Sioux Tribe argued that just contacting a few individuals did not constitute meaningful consent. Judge James Boasberg found it was sufficient according to current law, which the Departments of Justice, the Army and the Interior said they would consider revising after discussions with tribes.

Second, the tribe was unsatisfied with the cursory environmental assessment the Corps conducted before granting the permit. After a brief study, the Corps filed a finding of "no significant impact," precluding further study because of the procedure dictated in the Nationwide Permit 12, which allows for minimal review—a permit originally intended for public projects like power lines and sewage, said Martinez. The tribe argued that the finding was understated and should have instead initiated a procedure to conduct a full environmental

DEFEND THE RIGHT TO BE OF NATIVE NATIONS

impact study. Boasberg did not challenge the Corp's review.

The tribe had to prove that "irreparable injury" would be caused by construction as they await a decision on a lawsuit against the permit altogether. Boasberg wrote that they did not make the claim on land and water, but rather on sites of cultural and archaeological significance, which was not a strong enough case.

Are any other tribes involved in the lawsuit and what are they adding to the case?

The Standing Rock Sioux Tribe is appealing the judge's rejection of their preliminary injunction, and the Cheyenne River Sioux Tribe is intervening in the appeal. They filed an amended complaint on Friday, referencing a treaty that obligates the U.S. government to ensure tribal land is permanent and livable, including protecting the right to clean water.

The Yankton Sioux Tribe filed a separate lawsuit against both the Corps and the U.S. Fish and Wildlife Service the day before the Standing Rock ruling. The claims are similar but also reference wider international obligations for "free, prior and informed consent" guaranteed under the U.N. Declaration on the Rights of Indigenous Peoples and the responsibility to "ensure the civilization" of the Lakota people under the Fort Laramie Treaty.

The suit also makes an argument based on environmental justice, which every federal agency has the duty to respect. Martinez said that the pipeline was originally planned to run upstream of Bismarck, the "almost all white" state capital, but following complaints they rerouted upstream of the Standing Rock reservation. The "very astounding" racism would make a strong environmental justice case, he said.

If the Standing Rock Sioux Tribe wins its suit against the Army Corps of Engineers, is the project called off?

If the tribe manages to strike down the Corps permit for construction under federal waterways, Dakota Access can reroute the pipeline and, if it cannot win the powers of eminent domain, it can negotiate with individual landowners for the right to cross their property.

Many have already signed easements with the company, which effectively coerced landowners, who thought they had no choice, said Martinez. If they did not voluntarily agree to an easement and accept the money for the Dakota Access's use of their land, he said, the company could threaten to use



Flags and representatives of the many Native nations present at Standing Rock

eminent domain and pay them nothing.

Now that the pipeline is gaining international attention, though, it may have a similar fate as the Keystone XL Pipeline, which was rejected by President Barack Obama.

Should a similar scenario happen, or should Dakota Access decide to call off the project, it would have to take the pipes out of the ground and dismantle the construction that has already taken place.

Martinez, who represented South Dakota farmers and ranchers against the Keystone 1 Pipeline, said that while the company is required to restore their property to how it was before construction, they rarely fulfill their promise. Oil leaks aside, the pipeline often damages the land and prevents crops from growing again: oil from tar sands, for instance, must be heated up to flow through the pipeline, burning the land around it.

What about the rest of the pipeline on non-federal land?

The announcement to halt construction on federal land affected a small percentage of the total pipeline. The vast majority goes through the land of farmers and ranchers.

In Iowa, farmers and ranchers have banded together with environmental groups to overturn Dakota Access's power of eminent domain. They have a case pending in court and organized several actions against the Iowa Utilities Board as part of a "growing backlash on the part of farmers and landowners to that concept" which, Martinez said, was originally meant for public projects.

Dakota Access will argue that its pipeline serves a public purpose, but Iowa echoes Keystone XL resisters in arguing that the oil, meant for export, is only extracted for private gain.

COMPANY PROMISED FOR DOMESTIC

Dakota Access Pipeline May Fuel Oil Exports

Lee Fang, The Intercept

Proponents of the Dakota Access Pipeline, which will connect fracked crude oil from the Bakken fields in North Dakota to markets across the country — claim the controversial project will enhance energy independence. But at least a portion of the oil may well end up as exports to foreign markets, either as crude or as a refined product.

Energy Transfer Partners, the company behind the Dakota Access Pipeline, has built public support and pressured regulators to approve the project by asserting that the oil will enhance energy independence, because it will be used exclusively by U.S. consumers.

The company claimed in a presentation in Iowa, a state that granted approval for the project this year, that the pipeline will feature “100% Domestic produced crude” that “supports 100% domestic consumption.”

The domestic energy claim, which has been touted by company brochures and a pro-pipeline website, has also been used to criticize hundreds of demonstrators in North Dakota who say the Dakota Access endangers drinking water and threatens sites that are sacred to a number of Native American nations and tribes.

“It’s a shameful act by a group of people trying to disrupt our energy security and independence,” Dakota Access officials told the Associated Press in the response to the protests, which have blocked construction of the pipeline near the city of Cannon Ball, N.D.

“We track [Dakota Access Pipeline] and the export dynamics closely,” says Bernadette Johnson, the managing partner at Ponderosa Advisors, an energy advisory firm. Johnson notes that the pipeline provides a “competitive option” to bring Bakken barrels to the Gulf Coast, where “some of it may be exported.”

Regulatory filings also suggest some of the oil transported by the Dakota Access Pipeline will be shipped overseas.

When reached for a comment, a spokesperson with the pipeline project declined to defend the firm’s earlier statements about “100% domestic consumption.”

“We will not own the oil that is transported through the pipeline. We are like FedEx. We will deliver the oil to the refineries for the producers,” said Vicki Granado, Energy Transfer Partner’s spokesperson.

The Dakota Access Pipeline route brings oil from the Bakken fields to a hub in Illinois, from which it will connect to existing pipelines that lead to the Nederland, Texas, terminal on the Gulf Coast, a facility owned by Sunoco Logistics, a partner to the Dakota Access project, capable of crude oil exports.

Energy Transfer Partners’ 10-K, filed with the Securities and Exchange Commission, notes that low crude oil price are a challenge for the company due to “general oversupply,” but that “export projects” under construction, including at Nederland, will “balance this market by 2018.” The filing also lists the Bakken pipeline in a section about positioning the company as a “leader in the export of hydrocarbons.”

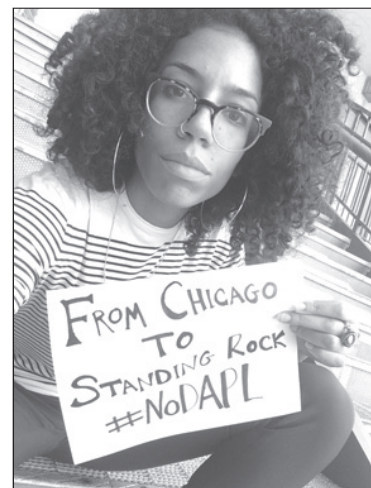
Earlier this month, Energy Transfer Partners presented at an infrastructure conference sponsored by Citibank, highlighting the Dakota Access Pipeline as a “growth project” under a section about how the company is “exceptionally well positioned to capitalize on U.S. energy exports.”

Opponents of the pipeline in Iowa and South Dakota raised concerns that the project might not serve the public interest, given the recent decision to lift the ban on exporting crude. This would mean oil transported by the pipeline might be destined for foreign markets.

“We are certain that this oil will be sent to the Gulf of Mexico and sold to the highest bidder,” says Jonas Magram, an Iowa resident who lives in a county along the path of the Dakota Access pipeline, who has protested the construction. Magram says the claim that the Dakota Access is designed to boost energy independence is “absolutely baseless,” especially since the unrefined oil can now be exported.

Attorneys for the Dakota Access project have repeatedly dismissed those concerns, calling them “irrelevant.” But the firm had more than a passive role in the decision to repeal the export ban.

Former Texas Governor Rick Perry urged lawmakers to lift the ban on crude oil only one month after joining the board of Energy Transfer Partners, the parent company of the Dakota Access Pipeline. Filings reveal that Energy Transfer Partners also directly lobbied on H.R. 2029, the legislation that lifted the export ban on crude oil last December.



Visit our website: usmlo.org

I • Defend Rights of Refugees

and went on for 16 days, when it was suspended. The women were threatened by authorities that they would remove their children and move the women to adult jails. They resumed the strike on August 31 and are continuing.

As the women state: “We are 22 mothers who are detained at Berks Family Residential Center being mothers who have been from 270 days to 365 days in detention with children ages 2 to 16 years old, depriving them of having a normal life, knowing that we have prior traumas from our countries, risking our own lives and that of our children on the way until we arrived here, having family and friends who would be responsible for us and who are waiting for us with open arms and that immigration refuses to let us out.”

The strikers have received messages of support from dozens of individuals and organizations. Campaigners from the Unitarian Universalist Service Committee and Make the Road Pennsylvania brought the demands of the hunger strikers to President Obama while he was vacationing in Martha’s Vineyard. On August 27 an action in support of the women and children and their unjust indefinite detention was organized, demanding: *Out of Detention and into Schools! Fuera de Detención y Entra la Escuela!*

The youth being held at the center have also now said they will join the hunger strike if the families are not released. The youth, 7th-11th graders will strike on September 15 if authorities do not respond to the hunger strike by their mothers. The date is celebrated as Independence Day in Central America, where many of them are from. A letter signed by the students, who have been detained almost 400 days, says, “It hurts to know that as the school year starts, we are here imprisoned ... when one of the reasons why we left our countries is that we could not attend classes because of the threats that schools receive. ... We have a

hard time concentrating because of the frustration we feel to be here in jail as criminals when in reality we are not.”

The Berks Family Detention Center is a prison for refugee families, where children as young as two-weeks-old have been incarcerated. On January 27, 2016, after months of organizing by the families and their supporters and evidence of human rights abuses at Berks, including a rape by a guard, labor abuses, and medical neglect of the families and children, the Pennsylvania Department of Human Services issued a notice that it would not renew the license for Berks.

The license expired on February 21, 2016 and as of Monday, February 22, Berks was operating without a license and in direct violation of state law. It is also in violation of federal law, following two federal court rulings against the incarceration of families and ordering their immediate release.

The Berks Detention Center must be shut down immediately and the families released. They have families and supporters ready to assist and care for them and have committed no crime. Release All Refugee Families in Detention Now! Demand Pennsylvania Secretary of the Department of Human Services D. Theodore Dallas *Immediately Order an Emergency Removal* of families detained at Berks Detention Facility.

The Obama administration must end their policy of family detention and be held accountable for their violation of federal and international law. Women and children refugees have rights that must be respected by government and defended by all. *End Family Detention Now!*

Send a message of support to the women hunger strikers: <https://actionsprout.io/35D460/initial>. Call Thomas Decker of Philadelphia Regional ICE office to demand their immediate release: 215-656-7164.



Youth demanding justice at Berks Detention Center in Pennsylvania. They are planning to go on strike September 15 if their families are not released from the inhumane detention camp.

BERKS DETENTION CAMP

Open Letter to US Department of Homeland Security Secretary Jeh Johnson from Mothers on Hunger Strike

“Open Letter to Jeh Johnson:

The reason for this letter of demands is to make it known to you that since Monday, August 8th we have started an *Indefinite Hunger Strike*.

The Immigration Department has made a public announcement stating that in family detention centers parents and children are detained no longer than 20 days.

We Want to Disprove this Information!!

We are 22 mothers who are detained at Berks Family Residential Center, being mothers who have been from 270 days to 365 days in detention with children ages 2 to 16 years old, depriving them of having a normal life, knowing that we have prior traumas from our countries, risking our own lives and that of our children on the way until we arrived here, having family and friends who would be responsible for us and who are waiting for us with open arms and that immigration refuses to let us out. Seeing these injustices, we have decided to go on an indefinite hunger strike until we obtain our immediate freedom because all of us left our countries of origin fleeing violence, threats and corruption that not even the government of each of our countries in Central America can control.

On many occasions our children have thought about *suicide*

because of the confinement and desperation that is caused by being here. The teenagers say *being here, life makes no sense, that they would like to break the window to jump out and end this nightmare*, and on many occasions they ask us if we have the courage to escape. Other kids grab their IDs and tighten them around their necks and say that they are going to KILL themselves if they don't get out of here. The youngest kids (2 years old) cry at night for not being able to express what they feel. For a long time, the children have not been eating well, but they have never paid attention to our complaints about the food until now.

We are desperate and we have decided that: **We Will Get Out Alive or Dead**. If it is necessary to sacrifice our lives so that our children can have freedom: *We Will Do It!* Putting aside the threats we are receiving from one of the psychologists and some doctors in this facility.

We are calling on the government to take action on this matter and open their eyes, letting them know that *Immigration [ICE]* is acting against the law and is mocking them, making arguments that are false; besides our children are entitled to freedom according to the case of Flores, and still they are here with us

We hope that our voices are heard, so that we can have the *freedom* that we *need* so much.”

Mothers at U.S. Detention Center on Hunger Strike to Protest Year in Custody

Breaking News

Women immigrants detained with their children at the Berks County Residential Center in Pennsylvania have been on hunger strike to challenge government claims they are released after 20 days. By the end of August at least three families will have spent a full year in custody.

The protest comes after Department of Homeland Security (DHS) head Jeh Johnson recently defended the Obama administration's controversial family detention practices by telling reporters it “is ensuring the average length of stay at these facilities is 20 days or less.”

Twenty days is the maximum time suggested in a federal order that limits how long children can be detained by immigration authorities to three to five days, except “in the event of an emergency influx.” In their letter to Johnson, the mothers at Berks

accuse the government of “making arguments that are false” and cite the federal order, saying “our children are entitled to freedom according to the case of Flores, and still they are here with us.” [...]

Those who have largely exhausted their legal options for remaining in the country are often transferred to Berks from two family detention centers in Texas and soon processed for removal. But last year, 28 families held there won a stay of removal after the American Civil Liberties Union argued they have a right for a federal judge to review their asylum hearings.

“ICE thinks of them as an aberration because they are fighting their cases,” said attorney Bridget Cambria, whose clients at Berks were denied asylum after fleeing violence and persecution in El Salvador, Honduras and Guatemala.

She says their denial of their asylum claim followed a cursory interview by a border official. Officials perform interviews with newly arriving migrants to determine whether they have a “credible fear” of returning to their home country that would warrant consideration for asylum. But having just arrived in the country disoriented and traumatized, Cambria said they were not well positioned to accurately express their fear of returning to their countries, and that this was later used against them in an asylum hearing.

“If you have a child subjected to abuse, or a mother who is a victim of violence, sometimes this is not something they can talk about with a person the day after they cross the border,” Cambria argued. “We often sit with them for hours at a time and you would be amazed at what starts to come out.”

The ACLU case is now pending in federal court and may end up before the Supreme Court in a process that could take another year. As it winds its way through the system, lawyers argue their clients should be released from Berks.

“It is becoming increasingly hard to conclude that there is not some punitive element to keeping these women in detention simply because they exercised their right to bring a constitutional test case,” said Lee Gelernt, deputy director of the ACLU Immigrants’ Rights Project.

Psychologists and pediatricians who visited Berks for a report produced by Human Rights First say the long-term confinement led to “symptoms of depression, behavioral regression and

anxiety” in children they observed.

“What we saw among the adults were signs of fear and not knowing what would happen to them next,” said Dr Alan Shapiro, who visited Berks

for the report. “These feelings of helplessness and hopelessness hurt their ability to mitigate the stress on their children.”

Shapiro has suggested a follow-up visit since the hunger strike was launched, and says the American Academy of Pediatrics “is very concerned about the health and welfare of children and families in immigration detention.”

In the last week officials released two families from Berks who are not part of the ACLU’s lawsuit. One had been held there with her three-year-old son since November. “They were in the exact same legal position as the mothers they won’t release,” said her lawyer Carol Anne Donohoe, who has other clients still inside. “It shows their detention is arbitrary, not mandatory.”



RULING COUNTER TO HABEAS CORPUS RIGHTS

Court Rules Refugee Mothers Cannot Sue for Release

A number of refugee women on hunger strike against their indefinite detention at the Berks Detention Center also sued in federal court for their release. The suit was brought against the Department of Homeland Security. It contested the legality of the women’s initial asylum interviews, which were not conducted with trained people and where the women often did not understand the questions. A district court in Philadelphia said that it did not have jurisdiction in the case.

On August 29, a federal appeals court went even further. It ruled that the women, because they had been apprehended hours after having “surreptitiously” crossed the border, had no right to sue. That, said several legal scholars, violates habeas corpus, the basic constitutional right to challenge the legality of imprisonment or detention.

Habeas corpus is only to be suspended in times of rebellion or invasion. It was extended to slaves and, more recently, to non-citizens branded as “enemy combatants” held at Guantánamo Bay in Cuba. “It was exactly designed to protect outsiders,” said Eric M. Freedman, a professor at Hofstra Law School who specializes in constitutional law. “If this decision is left intact, it’s going to be the first time in the history of this country in which non-citizens who enter the United States and are on U.S. soil, are not going to have the opportunity in habeas corpus to challenge

their removal orders,” said Lee Gelernt, the lead lawyer arguing the case for the ACLU.

The government is also retaliating against one of the main organizers. Near the end of August the government requested her emergency transfer to a center in Karnes City, Texas, because of her “disruptive” presence at Berks. Her lawyers argued against the move in an appeal filed August 31, offering consistently positive conduct reports by the staff as evidence.

Dr. Alan Shapiro, the senior medical director of pediatric programs of the Children’s Hospital at Montefiore in the Bronx, has made several visits to Berks to examine the children. In court documents filed the end of August, he said another move to a detention center would be harmful to the woman’s 6-year-old son; he diagnosed the child with chronic Post-traumatic stress disorder, from witnessing violence in El Salvador, the trip across the border and his prolonged detention.

Dr. Shapiro also confirmed that during his evaluation, the boy again simulated choking himself with his ID card lanyard — a “clear sign of stress and anxiety,” he said.

The adverse psychological effects of detention on children have been subject to several reports from Human Rights First, an advocacy group, including one in 2015 on conditions at Berks. Detention of women and children is counter to human rights law.

WOMEN AND CHILDREN IMPACTED

Court Orders Release of Photos and Testimony Exposing Inhumane Conditions in Arizona Border Patrol Detention Facilities

National Immigration Law Center

Court Order follows attempts by U.S. Customs and Border Protection (CBP) to keep evidence of unconstitutional detention conditions from the public

Immigration groups made public evidence, including expert testimony and video stills illustrating the deplorable and unconstitutional conditions detained individuals are subjected to in Border Patrol custody in the agency's Tucson Sector.

The court rejected the Border Patrol's effort to conceal evidence of inhumane and abusive detention practices from the public. Accepting the position of the plaintiffs and the *Arizona Republic*, which intervened to argue for the release of the materials, the court recognized that access to court proceedings and to basic information about governmental practices are fundamental First Amendment rights.

The video stills and expert testimony released today reveal that the Border Patrol holds individuals — among them traumatized asylum-seekers and mothers with infants and small children — for days at a time in cold, overcrowded, and dirty cells that are designed to detain people for only a few hours. Graphic photographs show detainees packed head-to-foot in filthy, overcrowded rooms. One image captures a mother changing an infant's diaper on a trash-strewn concrete floor.

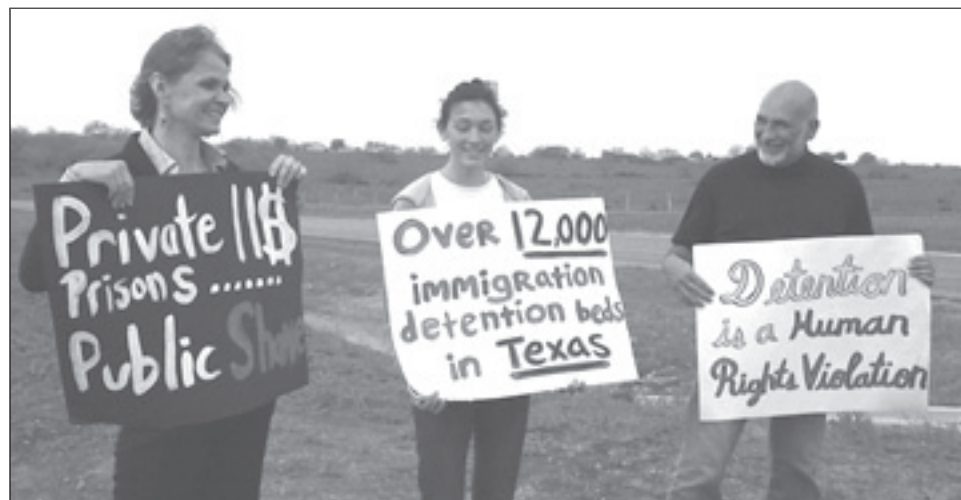


Also among the unsealed documents is testimony from an expert for the plaintiffs who wrote that, in his 35 years of experience working in correctional facilities, he had “never been in one that treats those confined in a manner that the CBP treats detainees.”

Among other conclusions about the poor treatment of individuals detained in Border Patrol facilities, he said that “[t]he absence of medical screening upon arrival is unthinkable,” and that he had never before witnessed an attempt to “cram” so many people into so little space, without beds and bedding. He concluded, “The CBP [is] housing people in conditions that are unnecessarily harsh, dangerous and contrary to accepted industry practices and standards.”

“Every step the government has taken in response to this lawsuit has been designed to delay this suit and hide the conditions present at these facilities,” said Louise Stoupe of Morrison & Foerster. “The government should be using the resources they are wasting in court to provide basic human necessities to those in its custody.”

“Migrants detained in the Tucson sector have long suffered horrific conditions,” said Dan Pochoda, senior counsel for the ACLU of Arizona. “It is unconscionable that



the federal government continues to detain people, including infants, in this manner. The Border Patrol continues to operate in violation of U.S. and international law as well as its own standards without being held accountable for these egregious abuses.”

“These photos show the harm people suffer in these facilities, from having to sleep on the floor for days to needing to huddle together just to stay warm,” said Travis Silva, attorney with the Lawyers’ Committee for Civil Rights of the San Francisco Bay Area. “These conditions should not exist in a facility operated by the United States government.”

“The images unsealed by the court leave no room to debate the fact that thousands of immigrants are subjected to inhumane and unconstitutional conditions by the Border Patrol,” said Nora Preciado, staff attorney with the National Immigration Law Center. “We urgently need meaningful and lasting reforms that put an end to these abuses, hold the agency accountable, and ensure that people are treated with dignity.”

“Mothers should not be forced to change their babies’ diapers on cold concrete floors or warm them with flimsy

aluminum sheets. Border Patrol’s treatment of men, women and children in its custody is simply inexcusable,” said Mary Kenney, senior staff attorney for the American Immigration Council. “We are seeking immediate relief from the deplorable detention conditions in CBP holding facilities for the thousands of individuals who are or will be held there while this case progresses.”

In December, attorneys representing the plaintiff class of detained immigrants sought a preliminary injunction to stop the Border Patrol’s unconstitutional detention practices while the case is being litigated. The injunction is based on compelling evidence of inhumane conditions in Tucson facilities — much of which was disclosed after the court sanctioned the Border Patrol for destroying video recordings from these facilities and failing to turn over other relevant documentation.

The images and expert testimony are available at www.nilc.org/issues/immigration-enforcement/hieleras

More information about this case is available at www.nilc.org/jdoelvjohanson.

Migrant Mother, Son Sue U.S. Over Treatment in Detention

Sebastien Malo, Thomson Reuters Foundation

A Honduran mother and young son have filed a lawsuit against U.S. authorities, claiming they were mistreated in detention facilities after they entered the country seeking asylum.

The lawsuit, which lawyers say is the first to seek damages by refugees held by U.S. Immigrations and Customs Enforcement (ICE), says the “inhumane conditions” were an effort to pressure the pair to abandon their legal claims and to deter other migrants.

Suny Rodriguez, her husband and her son crossed into the United States in 2015 after fleeing Honduras where they feared for their lives, the complaint said.

The mother, 41, and son, 9, were released after four months in detention in Texas when an immigration judge ruled she was likely to be persecuted if she returned to Honduras. They were held separately from the father.

During their detention, they were forced to sleep at times on the floor and with lights on, harassed by staff at night and held in crowded, wet and cold rooms, according to the lawsuit filed in federal

court in Newark, New Jersey. The boy suffers from asthma, it said.

They also were prevented access to lawyers and kept in the dark as to the



husband’s whereabouts, it said.

It is the first case to claim damages for treatment by refugees detained by ICE, according to Conchita Cruz, part of the family’s legal team at the Asylum Seeker Advocacy Project at the New York-based Urban Justice Center.

If the case succeeds, “it will send a strong signal to immigration authorities to clean up their act,” said Stephen Yale-Loehr, an immigration law professor at Cornell University in New York.

Rodriguez fled Honduras after getting threats and physical abuse from police when she questioned the circumstances of the death of her mother, who had been a critic of police, and her stepfather, the complaint said. “The treatment I received in the detention centers was worse,” she told the Thomson Reuters Foundation.



The Problem with the Department of Justice's Decision to Stop Using Private Prisons

Aviva Shen, ThinkProgress

The private prison industry will still have access to its biggest cash cow: immigrants.

The Department of Justice (DoJ) announced August 18 that it will stop outsourcing federal prisons to private prison companies after their current contracts expire. But that does not mean the federal government is actually ending private prisons.

The DoJ has internally instructed officials to decline to renew contracts or “substantially reduce” their scope with the ultimate goal of ending the department’s use of privately operated, for-profit prisons.

While the decision will affect 13 federal prisons currently operated by private companies, the bulk of federal private prisons are not run by the DoJ. In fact, the industry’s biggest client is the Department of Homeland Security (DHS) — a separate agency that relies on private prisons to hold immigrants, often in appalling and unconstitutional conditions.

ICE spokeswoman Sarah Rodriguez confirmed the agency’s detention operations had not changed despite the DoJ’s decision.

As Sharita Gruberg detailed in a Center for American Progress report, DHS’ Immigration and Customs Enforcement (ICE) only operates 11 percent of the beds in 250 immigration detention centers. As of last year, 62 percent of immigration detention beds were operated by corporations. Some are housed in for-profit facilities contracted with ICE, and many more are in state and local prisons that sub-contract with prison companies. That is far more than the share of state and federal prisoners held in private prisons.

Draconian immigration policies passed in the 1990s increased the need for more detention beds, which in turn created a vital opportunity for the prison industry. A turning point came in 2000, when Corrections Corporation of America (CCA) was granted a contract to run an immigration detention center in San Diego, California, which helped bring the company back from the brink of bankruptcy. It is now the largest private prison company in the world.

Private prison companies have projected robust growth over the years thanks to the expansion of deportations under President Obama.

In recent years, the influx of refugees and migrant children fleeing violence in Central American countries has bolstered



private prison companies’ projections. CCA explicitly credited a boost in revenue this year to the increased imprisonment of these Central American mothers and children.

Abuse and inhumanity are standard throughout the U.S. prison system, but privately run facilities are particularly bad. Unlike federal and state prisons, which have strong corrections officers unions that require some modicum of safety and labor standards, private prisons are often understaffed to a dangerous degree. CCA was caught partnering with gangs to save money and keep prisons in order. Other private prisons have seen strikes and protests over the disgusting conditions.

Men, women and children packed into private immigration detention centers are often forced to sleep on cold floors or in bug-infested tents, sexually assaulted by guards, and go without edible food or other basic services. Many have even died because their medical needs went ignored, or because the conditions have re-traumatized them, driving them to suicide.

Despite the many reports of human rights violations, ICE has failed to investigate these prisons and continues to renew contracts — even as the DoJ admits that egregious abuses in private prisons have prompted their decision to stop using them.

In fact, the ink is still drying on ICE’s new contract to pay CCA \$1 billion to jail women and children seeking asylum in the U.S. for at least four more years.

[Note that DHS head Jeh Johnson has appointed a committee to investigate whether DHS should also end use of private prison corporations like CCA. To date it has not done so and the government has also not intervened to close the Berks Detention Center, despite a hunger strike by mothers there — *VOR*]